

December 3, 2003 BZA



REQUEST ANALYSIS
AND
RECOMMENDATION

04AN0152

Richard K. Cox

Matoaca Magisterial District
26006 Pear Orchard Road

REQUEST: A Variance to use a parcel of land which has no public road frontage for dwelling purposes.

RECOMMENDATION

Recommend approval of this request for the following reasons:

- A. Variance will not impair the character of this area.
- B. Variance will not reduce or impair the value of the buildings or property in the surrounding area.

GENERAL INFORMATION

Location:

This request lies on ten (10) acres located approximately 2,870 feet northwest from the northern terminus of Pear Orchard Road, measured from a point approximately 4.72 miles southwest of Skinquarter Road in the vicinity of 26002 Pear Orchard Road. Property is known as 26006 Pear Orchard Road. Tax ID 664-664-6646. Access will be across Tax ID 665-664-8398 (Sheet 21).

Existing Zoning:

A

Size:

10 acres

Existing Land Use:

Residential

Adjacent Zoning and Land Use:

North - Amelia County
South - A; Vacant
East - A; Vacant
West - Amelia County

Utilities:

Private well and septic system

Transportation:

This request requires the dedication and construction of a public road.

General Plan:

(Southern and Western Area Plan)

Rural conservation use

DISCUSSION

The applicant requests a Variance to use a parcel of land which has no public road frontage for dwelling purposes. The access to the dwelling will be over two (2) private easements from Point A to Point B, as shown on the attached map.

The applicant provides the following justification in support of this request:

I would like to build a two (2) car garage beside the house. This property has never had road frontage, even before it was split. The building of a garage does not affect in anyway Chesterfield County or impact any person. To deny me the right to build on my own property would deny me the use and enjoyment of my own property.

Staff visited the property and observed an existing dwelling. Staff also observed a ten (10) to twelve (12) foot private dirt/gravel road that the applicant has indicated he uses to ingress and egress the property. There are several other dwellings which use this dirt/gravel road as their ingress and egress.

The Board of Zoning Appeals hears requests for no public road frontage when the subject property was recorded prior to 1980, is being subdivided and sold or given to a member of the property owner's immediate family or complies with the plat validation process. In this case, the property owner will be required to comply with the plat validation process requirements.

The Chesterfield County Fire Department has requested that applicants with this type of request provide a fifteen (15) foot wide, all-weather road from the State maintained road to the dwelling capable of supporting fire equipment and/or ambulances. The road shall have at least a fourteen (14) foot clearance to overhanging objects.

If the Board feels this request has merit, staff recommends that the entire roadway be fifteen (15) feet wide per attached Conditions 2 and 3 because of the Fire Department's request and the potential for two (2) way traffic.

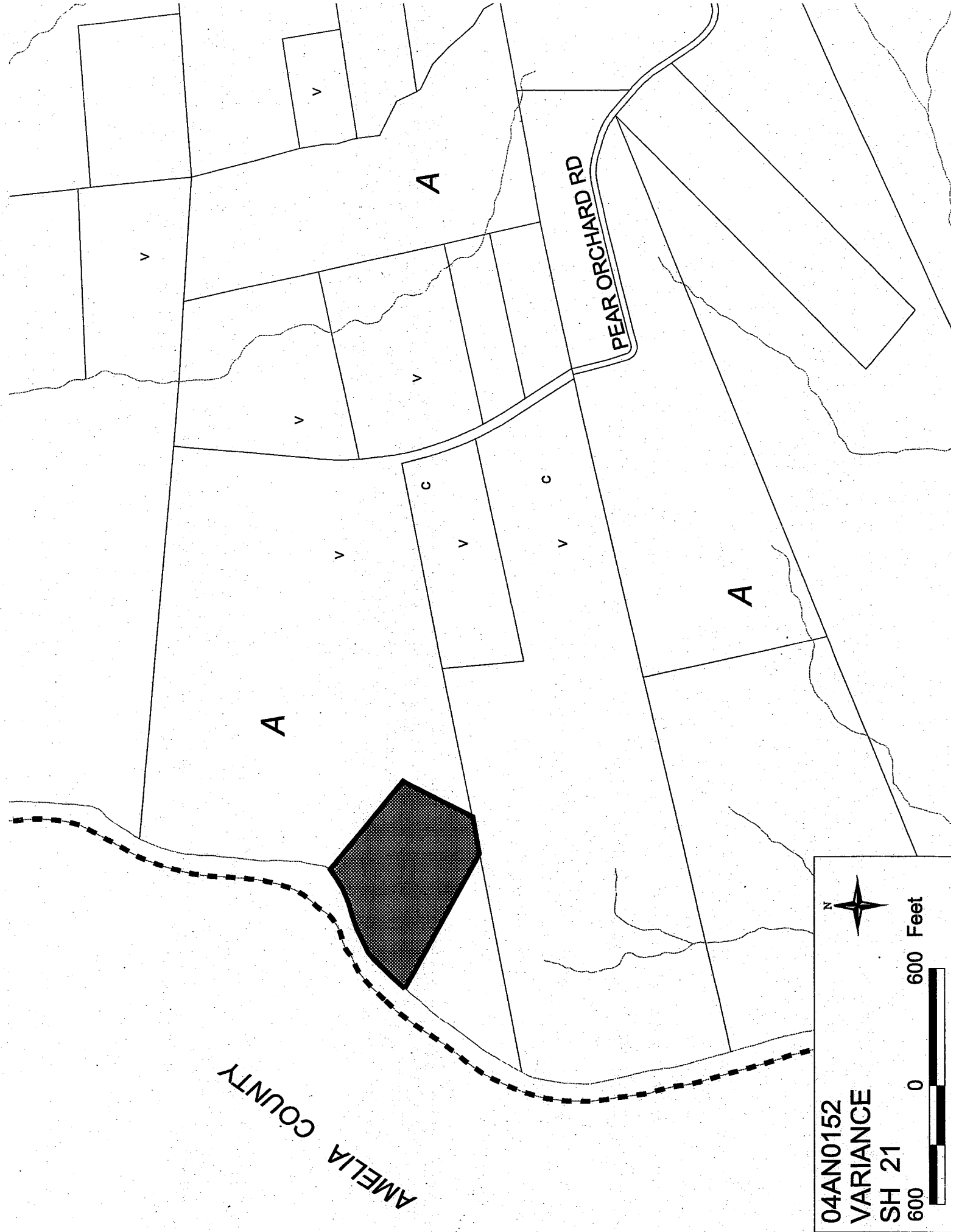
Staff notes the dwelling was constructed in 1978. The parcel was created in 1992. The Zoning Ordinance has required frontage on State maintained roads since April 1976. However, staff cannot identify any alternative to this request other than removal of the dwelling, which would be an unreasonable hardship. Additionally, staff believes that this request will not reduce or impair the value of the dwellings or property in the area. Therefore, because the dwelling has been on the property for twenty-five (25) years and no other alternative exists, staff supports this request.

CONDITIONS

1. Within thirty (30) days, the applicant shall provide a copy of a recorded instrument which will include the following:
 - a) A thirty (30) foot wide private access easement from Point A to Point B as shown on the plat attached to the staff report. The instrument shall require that no structure or fence shall be constructed to block the easement and shall require the land owner of the subject parcel to be responsible for maintenance of the access in accordance with the standards set forth below, or
 - b) If the access involves the use of a dedicated and unimproved County right of way, the applicant shall provide a copy of the approved license agreement with the County.
2. Within the forty (40) and fifty (50) foot wide private access easements or right of ways, a fifteen (15) foot wide roadway shall be constructed and maintained. This roadway shall be construct before the final inspection of the garage and if required, the Fire Department, shall inspect this roadway to determine its compliance with the following standards:
 - a) The roadway shall consist of not less than the following: compacted soil subbase with six (6) inches of compacted 21-B crushed stone. If an asphalt based surface is to be applied, it shall be designed and constructed to

Chesterfield County subdivision street requirements or an equivalent design approved by the subdivision team, capable of supporting the projected 75,000 pound vehicle weight. The roadway shall not be approved if it is rutted or potholed and shall be maintained to this standard.

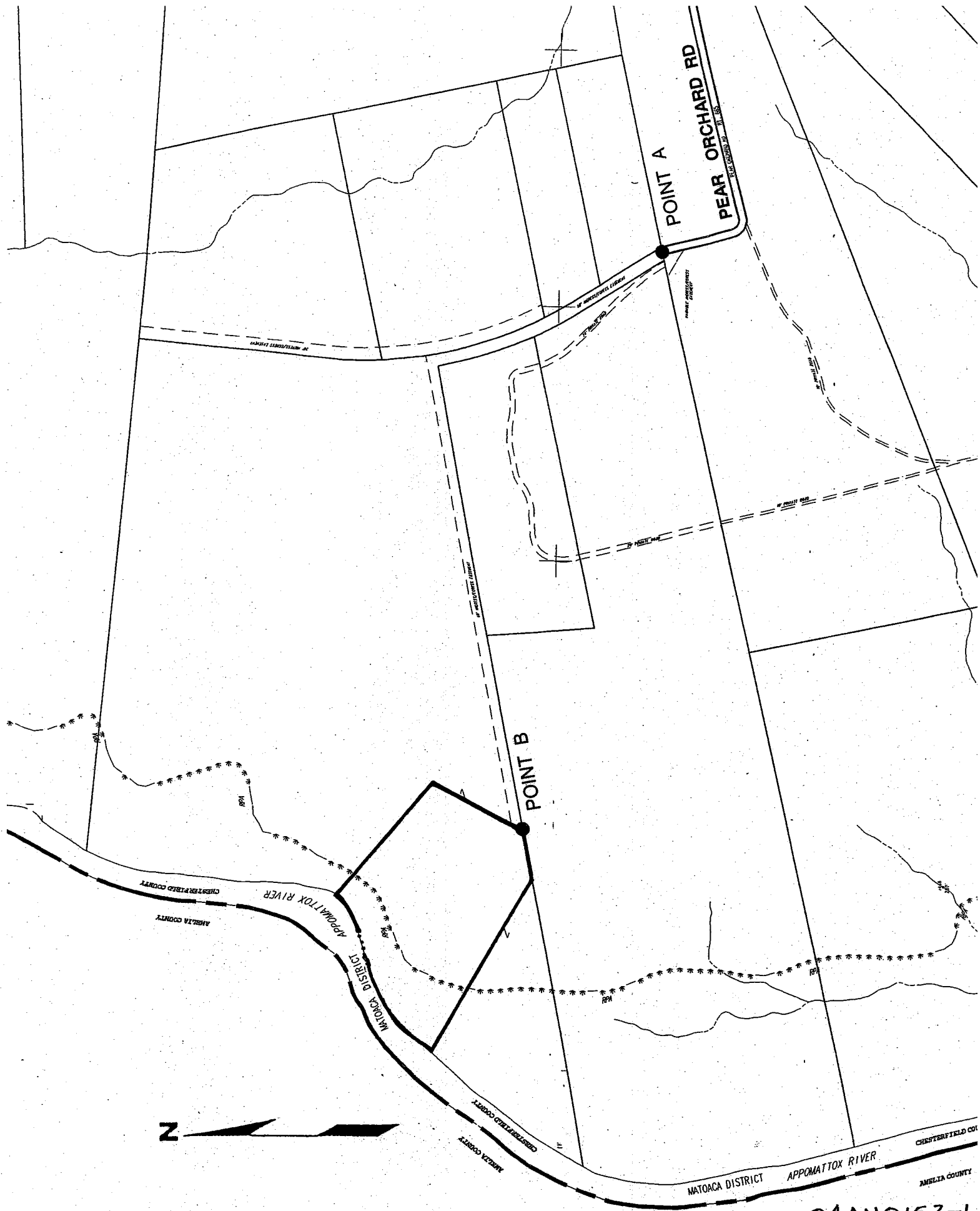
- b) There shall be an additional three (3) foot clear area beyond the edge of the roadway.
 - c) There shall be a minimum vertical clearance of fourteen (14) feet of area above the roadway.
 - d) The roadway shall have a maximum grade of ten (10) percent with an appropriate transition at the street connection, unless otherwise approved by the Fire Department.
 - e) The minimum inside turning radius for any curve shall be twenty-seven (27) feet.
 - f) Any cross drains shall be designed to accommodate a minimum ten (10) year storm.
- 3. The County shall not issue a final inspection for the proposed garage until all of Condition 2 a-f are met.
 - 4. The house number shall be installed on the mailbox or a pole and located at the driveway entrance of the State maintained road as well as at the driveway entrance to the property. The house numbers shall be displayed in at least four (4) inch high numbers.
 - 5. The applicant shall not further subdivide this property, including any family subdivisions, unless public road frontage is provided.



04AN0152
VARIANCE
SH 21

600 0 600 Feet





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